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Report of the United Nations Commission on International Trade Law on the work of its thirty-seventh session

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Report of the United Nations Commission on International Trade Law on the work of its thirty-seventh session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

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Having considered the report of the Commission on its thirty-seventh session,[1]

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on its thirty-seventh session;[1]

2. *Commends* the Commission for the completion and adoption of its *Legislative Guide on Insolvency Law*;[2]

3. *Also commends* the Commission for the progress made in the work on a draft convention on electronic contracting, on a draft instrument on transport law, on a draft legislative guide on secured transactions and on model legislative provisions on interim measures in international commercial arbitration, and for the Commission's decision to undertake a revision of its Model Law on Procurement of Goods, Construction and Services[3] to reflect new practices, including those resulting from the increasing use of electronic communications in public procurement;[4]

4. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law, and in this regard appeals to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

5. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and legislative technical assistance in the field of international trade law, and in this connection:

(a) Welcomes the Commission's initiatives towards expanding, through its secretariat, its training and legislative technical assistance programme;

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[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17).

[2] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17), para. 55.

[3] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I.

[4] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 81-82.

(b) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Azerbaijan, Colombia, Serbia and Montenegro, the Sudan, Thailand, Venezuela and Yemen;

(c) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in carrying out training and legislative technical assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the training and legislative technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

6. *Takes note with regret* that, since the previous session of the Commission, no contributions have been made to the trust fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, stresses the need for contributions to the trust fund in order to increase expert representation from developing countries at sessions of the Commission and its working groups, and reiterates its appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund;

7. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-ninth session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

8. *Recalls* its resolutions on partnerships[5] between the United Nations and non-State actors, in particular the private sector, and in this regard welcomes the Commission's consideration of the means of actively engaging non-State actors in its work,[6] and encourages the Commission to further explore different approaches to the use of partnerships with non-State actors in the implementation of its mandate, in particular in the area of training and technical assistance, in accordance with the applicable principles and guidelines and in cooperation and coordination with other relevant offices of the Secretariat;

9. *Approves*, in conformity with its resolutions on documentation-related matters, which, in particular, emphasize that any reduction in the length of documents should not adversely affect either the quality of the presentation or the

[5] Resolutions 55/215, 56/76 and 58/129.

[6] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 116 and 117.

substance of the documents,[7] the conclusions reached by the Commission in paragraphs 124-128 of its report[1] regarding the imposition of page limits on its documentation, and requests the Secretary-General to bear in mind the particular characteristics of the mandate and work of the Commission in implementing page limits with respect to the documentation of the Commission;

10. *Also approves* the conclusions of the Commission in paragraph 130 of its report regarding the need for the continuing provision of summary records of its meetings relating to the formulation of normative texts;

11. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and, to this end, urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

12. *Notes* that 2005 will mark the twenty-fifth anniversary of the adoption of the United Nations Convention on Contracts for the International Sale of Goods[8] and the twentieth anniversary of the adoption of the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration,[9] and in this regard welcomes initiatives being undertaken to organize conferences and similar events to provide a forum for assessing the experience, in particular of courts and arbitral tribunals, with those texts;

13. *Expresses its appreciation* for the preparation of a digest of case law on the United Nations Convention on Contracts for the International Sale of Goods, intended to assist in the dissemination of information on the Convention and promote its adoption, use and uniform interpretation, and for the progress of work on a digest of case law relating to the Model Law on International Commercial Arbitration.

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[7] See resolutions 57/283 B, section III, para. 29, and 58/250, section III, paras. 2 and 17.

[8] United Nations, Treaty Series, vol. 1489, No. 25567.

[9] *Official Records of the General Assembly, Fortieth Session, Supplement No. 17* (A/40/17), annex I.